

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-480-BO

ISAIAH GREEN, JR.)
EQUAL TREATMENT NOW, INC./)
PRES.,)
Plaintiff,)
)
v.)
)
WAKE COUNTY SHERIFF DONNIE)
HARRISON c/o JOHN MAXFIELD,)
LEGAL COUNSEL,)
Defendants.)
)

ORDER

This cause comes before the Court on plaintiff's motion for reconsideration pursuant to Federal Rule of Civil Procedure 60(b) [DE 30]. This Court previously granted the defendant's motion to dismiss, and denied a prior motion for reconsideration by plaintiff pursuant to Federal Rule of Civil Procedure 59(e). For the reasons stated herein, the Court DENIES this request for reconsideration.


Rule 60(b) provides that “[o]n motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding.” The rule then enumerates six circumstances under which such relief would be proper. Here, the plaintiff stated that he is entitled to relief under Rule 60(b)(1) because he was subject to surprise after this Court’s judgment, which he alleged was rendered based on “closed door” proffering of evidence by the defendant. However, this Court’s order dismissing the plaintiff’s claims was based entirely on the record presented to it; a record that was fully available to the plaintiff throughout the Court’s deliberations. As such, no “surprise” was wrought on the plaintiff. Because the plaintiff has

failed to establish any “just terms” that would merit relief from this Court’s dismissal of the underlying lawsuit it is proper to deny the plaintiff’s request for reconsideration. If the plaintiff continues to disagree with the Court on this matter the avenue designed for such discord is a direct appeal to the Fourth Circuit Court of Appeals.

CONCLUSION

For the reasons discussed above, the plaintiff’s motion for reconsideration is DENIED.

SO ORDERED, this 21 day of May, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE